

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DANA-FARBER CANCER INSTITUTE,)	
INC. a/k/a THE JIMMY FUND,)	
)	
Plaintiff)	
)	
v.)	
)	
BOC GROUP, INC. d/b/a BOC GASES,)	CASE NO.: 04-12612 RWZ
Defendant/Third-Party Plaintiff)	
)	
v.)	
)	
TAYLOR-WHARTON, HARSCO)	
CORPORATION, GAS & FLUID CONTROL)	
GROUP AND PACER DIGITAL SYSTEMS)	
INC.,)	
)	
Third-Party Defendants)	
)	

JOINT MOTION FOR PROPOSED AMENDED PRE-TRIAL SCHEDULE

The parties in the above-referenced action have conferred and herewith move this court amend the Pre-Trial Schedule.

In support of their motion, the parties state that Taylor-Wharton Harsco Corporation GasServ ("Taylor-Wharton"), a third-party defendant, has recently agreed to share counsel with third-party defendant, Pacer Digital Systems, Inc. ("Pacer"). Since that agreement, counsel, Nixon Peabody LLP, has required additional time to get a better understanding of Pacer's electronic control panel and an understanding of the facts related to the alleged failure.

Depositions of witnesses have been or will take place in December 2005 and January 2006 in Massachusetts and Alabama. Although the parties have worked diligently to expedite the deposition schedule, the availability of witnesses has affected the parties' ability to conduct

discovery. In addition, the parties have exchanged over a thousand pages of discovery that must be reviewed and analyzed prior to these depositions.

The parties have worked diligently to meet the deadlines but for the foregoing reasons states that they require an additional 30 days to complete their discovery.

Wherefore, the parties request the Pre-Trial Schedule be amended as follows:

Initial Disclosures of Plaintiff and Defendant/Third-Party Plaintiff by	April 15, 2005
Initial Disclosures of Third-Party Defendants by	June 13, 2005
Amendment to Pleadings by	July 18, 2005
Joinder of Additional Parties by	August 12, 2005
Fact Discovery Necessary for Settlement Discussions	December 2, 2005
Status Report on Settlement	February 6, 2006
All Fact Completed by	March 3, 2006
Parties limited to 25 Interrogatories to other parties. Each party Will be required to present up to eight fact witnesses for deposition.	
26(b) Expert Disclosures, Plaintiff by	April 3, 2006
26(b) Expert Disclosures, Defendant/Third-Party Plaintiff by	May 3, 2006
26(b), Expert Disclosures, Third-Party Defendants by	June 5, 2006
Expert Discovery Completed by	September 29, 2006
Status Conference to Discuss Settlement And Other Pertinent Deadlines	October 12, 2006

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Dated: January 25, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on January 25, 2006.

/s/ A. Damien Puller
A. Damien Puller

L.R. 7.1 Certification

Counsel certifies that they have conferred and have attempted in good faith to resolve or narrow the issue.

/s/ A. Damien Puller
A. Damien Puller